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9 **BEFORE THE**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
10 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 79/08-22

13 SMOG 4 LESS  
SARBJIT SINGH, OWNER  
14 1254 W. Clinton  
Fresno, CA 93705  
15 Automotive Repair Dealer Reg. No. AF 222344  
Smog Check, Test Only, Station License No. TF 222344,

**ACCUSATION**  
**(SMOG CHECK)**

16 SMOG 4 LESS  
17 SARBJIT SINGH, OWNER  
2240 N. Blackstone Avenue  
18 Fresno, CA 93703  
Automotive Repair Dealer Reg. No. AK 202254  
19 Smog Check, Test Only, Station License No. TK 202254,

20 SARBJIT SINGH  
2240 N. Blackstone  
21 Fresno, CA 93703  
Advanced Emission Specialist Technician License  
22 No. EA 306741,

23 and

24 JAMES FLORIAN SINDBERG  
10088 E. Central Avenue  
25 Del Rey, CA 93616  
Advanced Emission Specialist Technician License  
26 No. EA 315216,

27 Respondents.  
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1 Complainant alleges:

2 **PARTIES**

3 1. Sherry Mehl ("Complainant") brings this Accusation solely in her official  
4 capacity as the Chief of the Bureau of Automotive Repair ("Bureau"), Department of Consumer  
5 Affairs.

6 **Automotive Repair Dealer Reg. No. AF 222344**

7 2. On or about July 26, 2002, the Director of Consumer Affairs ("Director")  
8 issued Automotive Repair Dealer Registration Number AF 222344 to Sarbjit Singh  
9 ("Respondent Singh"), owner of Smog 4 Less located at 1254 W. Clinton, Fresno, California  
10 (hereinafter "Respondent's Clinton Avenue facility"). Respondent's automotive repair dealer  
11 registration was in full force and effect at all times relevant to the charges brought herein and will  
12 expire on June 30, 2008, unless renewed.

13 **Smog Check, Test Only, Station License No. TF 222344**

14 3. On or about August 9, 2002, the Director issued Smog Check, Test Only,  
15 Station License Number TF 222344 to Respondent Singh. Respondent's smog check station  
16 license was in full force and effect at all times relevant to the charges brought herein and will  
17 expire on June 30, 2008, unless renewed.

18 **Automotive Repair Dealer Reg. No. AK 202254**

19 4. On or about November 10, 1998, the Director issued Automotive Repair  
20 Dealer Registration Number AK 202254 to Respondent Singh, owner of Cost U Less Smog  
21 Check. On May 18, 1999, Respondent's business name was changed to Smog 4 Less (hereinafter  
22 "Respondent's Blackstone Avenue facility"). Respondent's automotive repair dealer registration  
23 was in full force and effect at all times relevant to the charges brought herein and will expire on  
24 October 31, 2007, unless renewed.

25 **Smog Check, Test Only, Station License No. TK 202254**

26 5. On or about June 28, 2000, the Director issued Smog Check, Test Only,  
27 Station License Number TK 202254 to Respondent Singh. Respondent's smog check station

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1 license was in full force and effect at all times relevant to the charges brought herein and will  
2 expire on October 31, 2007, unless renewed.

3 **Advanced Emission Specialist Technician License No. EA 306741**

4 6. In or about 1998, the Director issued Advanced Emission Specialist  
5 Technician License Number EA 306741 to Respondent Singh. Respondent's advanced emission  
6 specialist technician license was in full force and effect at all times relevant to the charges  
7 brought herein and will expire on April 30, 2008, unless renewed.

8 **Advanced Emission Specialist Technician License No. EA 315216**

9 7. In or about 1997, the Director issued Advanced Emission Specialist  
10 Technician License Number EA 315216 to James Florian Sindberg ("Respondent Sindberg").  
11 Respondent's advanced emission specialist technician license was in full force and effect at all  
12 times relevant to the charges brought herein and will expire on February 28, 2009, unless  
13 renewed.

14 **JURISDICTION**

15 8. Business and Professions Code ("Bus. & Prof. Code") section 9884.7  
16 provides that the Director may invalidate an automotive repair dealer registration.

17 9. Bus. & Prof. Code section 9884.13 provides, in pertinent part, that the  
18 expiration of a valid registration shall not deprive the Director of jurisdiction to proceed with a  
19 disciplinary proceeding against an automotive repair dealer or to render a decision invalidating a  
20 registration temporarily or permanently.

21 10. Health and Safety Code ("Health & Saf. Code") section 44002 provides,  
22 in pertinent part, that the Director has all the powers and authority granted under the Automotive  
23 Repair Act for enforcing the Motor Vehicle Inspection Program.

24 11. Health & Saf. Code section 44072.6 provides, in pertinent part, that the  
25 expiration or suspension of a license by operation of law, or by order or decision of the Director  
26 of Consumer Affairs, or a court of law, or the voluntary surrender of the license shall not deprive  
27 the Director of jurisdiction to proceed with disciplinary action.

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(a) The director, where the automotive repair dealer cannot show there was a bona fide error, may refuse to validate, or may invalidate temporarily or permanently, the registration of an automotive repair dealer for any of the following acts or omissions related to the conduct of the business of the automotive repair dealer, which are done by the automotive repair dealer or any automotive technician, employee, partner, officer, or member of the automotive repair dealer.

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13. Bus. & Prof. Code section 477 provides, in pertinent part, that “Board”  
 “au,” “commission,” “committee,” “department,” “division,” “examining  
 program,” and “agency.” “License” includes certificate, registration or other  
 ge in a business or profession regulated by the Bus. & Prof. Code.

The director may suspend, revoke, or take other disciplinary action against a license as provided in this article if the licensee, or any partner, officer, or director thereof, does any of the following:

• • • •

(d) Commits any act involving dishonesty, fraud, or deceit whereby another is injured . . .

1           15.     Health & Saf. Code section 44072.8 states that when a license has been  
2     revoked or suspended following a hearing under this article, any additional license issued under  
3     this chapter in the name of the licensee may be likewise revoked or suspended by the director.

4                               **Cost Recovery**

5           16.     Bus. & Prof. Code section 125.3 provides, in pertinent part, that a Board  
6     may request the administrative law judge to direct a licensee found to have committed a  
7     violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the  
8     investigation and enforcement of the case.

9                               **CLINTON AVENUE FACILITY**

10                           **EYEWITNESS CLEAN-PIPE OF MAY 21, 2007**

11           17.     On May 21, 2007, at approximately 1240 hours, representatives of the  
12     Bureau observed a Chevrolet Corsica (later identified as a 1991 Chevrolet Corsica, License  
13     #2WNF642) enter the left inspection bay at Respondent's Clinton Avenue facility and observed  
14     Respondent Sindberg (hereinafter "Sindberg") perform a smog inspection on the vehicle. The  
15     representatives determined through information obtained from the Bureau's Vehicle Information  
16     Database ("VID") that Sindberg had issued electronic smog Certificate of Compliance  
17     #MS092235C on behalf of Respondent Singh, certifying that from 1247 to 1254 hours, he had  
18     tested and inspected a 1989 Oldsmobile Cutlass, License No. 5UHT053, and that the vehicle was  
19     in compliance with applicable laws and regulations. At approximately 1315 hours that same day,  
20     the representatives located the 1989 Oldsmobile Cutlass parked in the back yard of a private  
21     residence, with a flat tire. The Bureau concluded that Sindberg had conducted the smog  
22     inspection using clean-piping methods<sup>1</sup>, resulting in the issuance of a fraudulent certificate of  
23     compliance for the 1989 Oldsmobile Cutlass.

24           18.     On July 5, 2007, the Bureau obtained a copy of a vehicle inspection report  
25     ("VIR") from Smog 4 Less relating to the smog inspection on the 1989 Oldsmobile Cutlass.

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27           1. Pursuant to California Code of Regulations, title 16, section 3340.1, "clean piping" means the use of a  
28     sample of the exhaust emissions of one vehicle in order to cause the Test Analyzer System or Emissions  
   Inspection System to issue a certificate of compliance for another vehicle.

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Untrue or Misleading Statements)**

3 19. Respondent Singh's Automotive Repair Dealer Registration Number  
4 AF 222344 (hereinafter "ARD registration") is subject to disciplinary action pursuant to Bus. &  
5 Prof. Code section 9884.7, subdivision (a)(1), in that Respondent made or authorized a statement  
6 which he knew or in the exercise of reasonable care should have known to be untrue or  
7 misleading. Respondent's technician, Sindberg, represented on the VIR that he performed the  
8 smog inspection on the 1989 Oldsmobile Cutlass in accordance with all Bureau requirements and  
9 that the vehicle had passed inspection and was in compliance with applicable laws and  
10 regulations. In fact, Respondent used clean-piping methods in order to issue a certificate for the  
11 vehicle and did not test or inspect the vehicle as required by Health & Saf. Code section 44012.

12 **SECOND CAUSE FOR DISCIPLINE**

13 **(Fraud)**

14 20. Respondent Singh's ARD registration is subject to disciplinary action  
15 pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(4), in that Respondent committed  
16 an act which constitutes fraud. Respondent issued an electronic smog certificate of compliance  
17 for the 1989 Oldsmobile Cutlass without performing a bona fide inspection of the emission  
18 control devices and systems on the vehicle, thereby depriving the People of the State of  
19 California of the protection afforded by the Motor Vehicle Inspection Program.

20 **THIRD CAUSE FOR DISCIPLINE**

21 **(Violations of the Motor Vehicle Inspection Program)**

22 21. Respondent Singh's Smog Check, Test Only, Station License Number  
23 TF 222344 (hereinafter "smog check station license") is subject to disciplinary action pursuant to  
24 Health & Saf. Code section 44072.2, subdivision (a), in that Respondent failed to comply with  
25 the following sections of that Code:

- 26 a. **Section 44012:** Respondent failed to perform emission control tests on  
27 the 1989 Oldsmobile Cutlass in accordance with procedures prescribed by  
28 the department.

b. **Section 44015:** Respondent issued an electronic smog certificate of compliance for the 1989 Oldsmobile Cutlass without properly testing and inspecting the vehicle to determine if it was in compliance with Health & Saf. Code section 44012.

#### FOURTH CAUSE FOR DISCIPLINE

**(Failure to Comply with Regulations Pursuant  
to the Motor Vehicle Inspection Program)**

22. Respondent Singh's smog check station license is subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (c), in that Respondent failed to comply with the following sections of California Code of Regulations, title 16:

a. **Section 3340.24, subdivision (c)**: Respondent falsely or fraudulently issued an electronic smog certificate of compliance for the 1989 Oldsmobile Cutlass.

b. **Section 3340.35, subdivision (c):** Respondent issued an electronic smog certificate of compliance for the 1989 Oldsmobile Cutlass even though the vehicle had not been inspected in accordance with California Code of Regulations, title 16, section 3340.42.

c. **Section 3340.41, subdivision (c):** Respondent entered false information into the Emissions Inspection System (“EIS”) by entering vehicle identification information or emission control system identification data for a vehicle other than the one being tested.

d. **Section 3340.42:** Respondent failed to conduct the required smog tests on the 1989 Oldsmobile Cutlass in accordance with the Bureau's specifications.

### **FIFTH CAUSE FOR DISCIPLINE**

**(Dishonesty, Fraud or Deceit)**

23. Respondent Singh's smog check station license is subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (d), in that Respondent

1 committed a dishonest, fraudulent or deceitful act whereby another is injured. Respondent issued  
2 an electronic smog certificate of compliance for the 1989 Oldsmobile Cutlass without performing  
3 a bona fide inspection of the emission control devices and systems on the vehicle, thereby  
4 depriving the People of the State of California of the protection afforded by the Motor Vehicle  
5 Inspection Program.

6 **SIXTH CAUSE FOR DISCIPLINE**

7 **(Violations of the Motor Vehicle Inspection Program)**

8 24. Respondent Sindberg's advanced emission specialist technician license is  
9 subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (a), in  
10 that Respondent failed to comply with the following sections of that Code:

- 11 a. **Section 44012:** Respondent failed to perform emission control tests on  
12 the 1989 Oldsmobile Cutlass in accordance with procedures prescribed by  
13 the department.  
14 b. **Section 44059:** Respondent willfully made a false statement with regard  
15 to a material matter on the VIR, as set forth in paragraph 19 above.

16 **SEVENTH CAUSE FOR DISCIPLINE**

17 **(Failure to Comply with Regulations Pursuant  
18 to the Motor Vehicle Inspection Program)**

19 25. Respondent Sindberg's advanced emission specialist technician license is  
20 subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (c), in  
21 that Respondent failed to comply with the following sections of California Code of Regulations,  
22 title 16:

- 23 a. **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently  
24 issued an electronic smog certificate of compliance for the 1989  
25 Oldsmobile Cutlass.  
26 b. **Section 3340.30, subdivision (a):** Respondent failed to inspect and test  
27 the 1989 Oldsmobile Cutlass in accordance with Health & Saf. Code

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1 sections 44012 and 44035, and California Code of Regulations, title 16,  
2 section 3340.42.

3 c. **Section 3340.41, subdivision (c):** Respondent entered false  
4 information into the EIS by entering vehicle identification information or  
5 emission control system identification data for a vehicle other than the one  
6 being tested.

7 d. **Section 3340.42:** Respondent failed to conduct the required smog tests on  
8 the 1989 Oldsmobile Cutlass in accordance with the Bureau's  
9 specifications.

10 **EIGHTH CAUSE FOR DISCIPLINE**

11 **(Dishonesty, Fraud or Deceit)**

12 26. Respondent's Sindberg's advanced emission specialist technician license  
13 is subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (d),  
14 in that Respondent committed a dishonest, fraudulent, or deceitful act whereby another is injured.  
15 Respondent issued an electronic smog certificate of compliance for the 1989 Oldsmobile Cutlass  
16 without performing a bona fide inspection of the emission control devices and systems on the  
17 vehicle, thereby depriving the People of the State of California of the protection afforded by the  
18 Motor Vehicle Inspection Program.

19 **VIDEO SURVEILLANCE OF JUNE 6, 2007**

20 27. On June 6, 2007, a representative of the Bureau conducted a surveillance  
21 operation at Respondent's Clinton Avenue facility. The Bureau determined through the  
22 surveillance operation and information obtained from the Bureau's VID that Respondent  
23 Sindberg issued electronic smog Certificate of Compliance #MS186934C on behalf of  
24 Respondent Singh, certifying that he had tested and inspected a 1990 Chevrolet Lumina, License  
25 #2SRC377, and that the vehicle was in compliance with applicable laws and regulations. In fact,  
26 Respondent conducted the inspection using the exhaust emissions of another vehicle, a 1991  
27 Toyota Camry, License #2WTR725 (clean-piping), resulting in the issuance of a fraudulent  
28 certificate of compliance for the 1990 Chevrolet Lumina. The Bureau also determined that the

1 1990 Chevrolet Lumina had previously failed two smog inspections performed at another facility  
2 located in Napa, California, once as a gross polluter.<sup>2</sup>

3 28. On July 5, 2007, the Bureau obtained a copy of a VIR from Smog 4 Less  
4 relating to the smog inspection on the 1990 Chevrolet Lumina.

5 **NINTH CAUSE FOR DISCIPLINE**

6 **(Untrue or Misleading Statements)**

7 29. Respondent Singh's ARD Registration is subject to disciplinary action  
8 pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(1), in that Respondent made or  
9 authorized a statement which he knew or in the exercise of reasonable care should have known to  
10 be untrue or misleading. Respondent's technician, Sindberg, represented on the VIR that he  
11 performed the smog inspection on the 1990 Chevrolet Lumina in accordance with all Bureau  
12 requirements and that the vehicle had passed inspection and was in compliance with applicable  
13 laws and regulations. In fact, Respondent used clean-piping methods in order to issue a  
14 certificate for the vehicle and did not test or inspect the vehicle as required by Health & Saf.  
15 Code section 44012.

16 **TENTH CAUSE FOR DISCIPLINE**

17 **(Fraud)**

18 30. Respondent Singh's ARD registration is subject to disciplinary action  
19 pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(4), in that Respondent committed  
20 an act which constitutes fraud. Respondent issued an electronic smog certificate of compliance  
21 for the 1990 Chevrolet Lumina without performing a bona fide inspection of the emission control  
22 devices and systems on the vehicle, thereby depriving the People of the State of California of the  
23 protection afforded by the Motor Vehicle Inspection Program.

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27 2. Pursuant to Health & Saf. Code section 39032.5, "gross polluter" means a vehicle with excess  
28 hydrocarbon, carbon monoxide, or oxides of nitrogen emissions as established by the department in consultation  
with the state board.

1 **ELEVENTH CAUSE FOR DISCIPLINE**

2 **(Violations of the Motor Vehicle Inspection Program)**

3 31. Respondent Singh's smog check station license is subject to disciplinary  
4 action pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that Respondent failed  
5 to comply with the following sections of that Code:

- 6 a. **Section 44012:** Respondent failed to perform emission control tests on  
7 the 1990 Chevrolet Lumina in accordance with procedures prescribed by  
8 the department.  
9 b. **Section 44015:** Respondent issued an electronic smog certificate of  
10 compliance for the 1990 Chevrolet Lumina without properly testing and  
11 inspecting the vehicle to determine if it was in compliance with Health  
12 & Saf. Code section 44012.

13 **TWELFTH CAUSE FOR DISCIPLINE**

14 **(Failure to Comply with Regulations Pursuant**  
15 **to the Motor Vehicle Inspection Program)**

16 32. Respondent Singh's smog check station license is subject to disciplinary  
17 action pursuant to Health & Saf. Code section 44072.2, subdivision (c), in that Respondent failed  
18 to comply with the following sections of California Code of Regulations, title 16:

- 19 a. **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently  
20 issued an electronic smog certificate of compliance for the 1990  
21 Chevrolet Lumina.  
22 b. **Section 3340.35, subdivision (c):** Respondent issued an electronic smog  
23 certificate of compliance for the 1990 Chevrolet Lumina even though  
24 the vehicle had not been inspected in accordance with California Code of  
25 Regulations, title 16, section 3340.42.  
26 c. **Section 3340.41, subdivision (c):** Respondent entered false information  
27 into the EIS by entering vehicle identification information or emission  
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1 control system identification data for a vehicle other than the one being  
2 tested.

- 3 d. **Section 3340.42:** Respondent failed to conduct the required smog tests on  
4 the 1990 Chevrolet Lumina in accordance with the Bureau's  
5 specifications.

6 **THIRTEENTH CAUSE FOR DISCIPLINE**

7 **(Dishonesty, Fraud or Deceit)**

8 33. Respondent Singh's smog check station license is subject to disciplinary  
9 action pursuant to Health & Saf. Code section 44072.2, subdivision (d), in that Respondent  
10 committed a dishonest, fraudulent or deceitful act whereby another is injured. Respondent issued  
11 an electronic smog certificate of compliance for the 1990 Chevrolet Lumina without performing  
12 a bona fide inspection of the emission control devices and systems on the vehicle, thereby  
13 depriving the People of the State of California of the protection afforded by the Motor Vehicle  
14 Inspection Program.

15 **FOURTEENTH CAUSE FOR DISCIPLINE**

16 **(Violations of the Motor Vehicle Inspection Program)**

17 34. Respondent Sindberg's advanced emission specialist technician license is  
18 subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (a), in  
19 that Respondent failed to comply with the following sections of that Code:

- 20 a. **Section 44012:** Respondent failed to perform emission control tests on  
21 the 1990 Chevrolet Lumina in accordance with procedures prescribed by  
22 the department.
- 23 b. **Section 44059:** Respondent willfully made a false statement with regard  
24 to a material matter on the VIR, as set forth in paragraph 29 above.

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1 **FIFTEENTH CAUSE FOR DISCIPLINE**

2 **(Failure to Comply with Regulations Pursuant**  
3 **to the Motor Vehicle Inspection Program)**

4 35. Respondent Sindberg's advanced emission specialist technician license is  
5 subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (c), in  
6 that Respondent failed to comply with the following sections of California Code of Regulations,  
7 title 16:

- 8 a. **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently  
9 issued an electronic smog certificate of compliance for the 1990  
10 Chevrolet Lumina..  
11 b. **Section 3340.30, subdivision (a):** Respondent failed to inspect and test  
12 the 1990 Chevrolet Lumina in accordance with Health & Saf. Code  
13 sections 44012 and 44035, and California Code of Regulations, title 16,  
14 section 3340.42.  
15 c. **Section 3340.41, subdivision (c):** Respondent entered false  
16 information into the EIS by entering vehicle identification information or  
17 emission control system identification data for a vehicle other than the one  
18 being tested.  
19 d. **Section 3340.42:** Respondent failed to conduct the required smog tests on  
20 the 1990 Chevrolet Lumina in accordance with the Bureau's  
21 specifications.

22 **SIXTEENTH CAUSE FOR DISCIPLINE**

23 **(Dishonesty, Fraud or Deceit)**

24 36. Respondent Sindberg's advanced emission specialist technician license is  
25 subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (d), in  
26 that Respondent committed a dishonest, fraudulent, or deceitful act whereby another is injured.  
27 Respondent issued an electronic smog certificate of compliance for the 1990 Chevrolet Lumina  
28 without performing a bona fide inspection of the emission control devices and systems on the

1 vehicle, thereby depriving the People of the State of California of the protection afforded by the  
2 Motor Vehicle Inspection Program.

3 **BLACKSTONE AVENUE FACILITY**

4 **VIDEO SURVEILLANCE OF JUNE 12, 2007**

5 37. On June 12, 2007, a representative of the Bureau conducted a surveillance  
6 operation at Respondent's Blackstone Avenue facility. The Bureau determined through the  
7 surveillance operation and information obtained from the Bureau's VID that Respondent  
8 Sindberg issued electronic smog Certificate of Compliance #MS376764C on behalf of  
9 Respondent Singh, certifying that he had tested and inspected a 1980 Chevrolet Camaro, License  
10 #1DKV602 (the vehicle was subsequently issued a new license plate, #5ZPH711), and that the  
11 vehicle was in compliance with applicable laws and regulations. In fact, Respondent conducted  
12 the inspection using the exhaust emissions of another vehicle, a Ford Thunderbird (clean-piping),  
13 resulting in the issuance of a fraudulent certificate of compliance for the 1980 Chevrolet Camaro.  
14 The Bureau also determined that the 1980 Chevrolet Camaro had previously failed two smog  
15 inspections performed in March 2006, at another facility located in Fresno, California. The  
16 vehicle failed both inspections as a gross polluter.

17 38. On July 5, 2007, the Bureau obtained a copy of a VIR from Smog 4 Less  
18 relating to the smog inspection on the 1980 Chevrolet Camaro.

19 **SEVENTEENTH CAUSE FOR DISCIPLINE**

20 **(Untrue or Misleading Statements)**

21 39. Respondent Singh's Automotive Repair Dealer Registration Number  
22 AK 202254 (hereinafter "ARD Registration") is subject to disciplinary action pursuant to Bus. &  
23 Prof. Code section 9884.7, subdivision (a)(1), in that Respondent made or authorized a statement  
24 which he knew or in the exercise of reasonable care should have known to be untrue or  
25 misleading. Respondent's technician, Sindberg, represented on the VIR that he performed the  
26 smog inspection on the 1980 Chevrolet Camaro in accordance with all Bureau requirements and  
27 that the vehicle had passed inspection and was in compliance with applicable laws and

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1 regulations. In fact, Respondent used clean-piping methods in order to issue a certificate for the  
2 vehicle and did not test or inspect the vehicle as required by Health & Saf. Code section 44012.

3 **EIGHTEENTH CAUSE FOR DISCIPLINE**

4 **(Fraud)**

5 40. Respondent Singh's ARD registration is subject to disciplinary action  
6 pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(4), in that Respondent committed  
7 an act which constitutes fraud. Respondent issued an electronic smog certificate of compliance  
8 for the 1980 Chevrolet Camaro without performing a bona fide inspection of the emission control  
9 devices and systems on the vehicle, thereby depriving the People of the State of California of the  
10 protection afforded by the Motor Vehicle Inspection Program.

11 **NINETEENTH CAUSE FOR DISCIPLINE**

12 **(Violations of the Motor Vehicle Inspection Program)**

13 41. Respondent Singh's Smog Check, Test Only, Station License Number  
14 TK 202254 (hereinafter "smog check station license") is subject to disciplinary action pursuant to  
15 Health & Saf. Code section 44072.2, subdivision (a), in that Respondent failed to comply with  
16 the following sections of that Code:

- 17 a. **Section 44012:** Respondent failed to perform emission control tests on  
18 the 1980 Chevrolet Camaro in accordance with procedures prescribed by  
19 the department.
- 20 b. **Section 44015:** Respondent issued an electronic smog certificate of  
21 compliance for the 1980 Chevrolet Camaro without properly testing and  
22 inspecting the vehicle to determine if it was in compliance with Health  
23 & Saf. Code section 44012.

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1 **TWENTIETH CAUSE FOR DISCIPLINE**

2 **(Failure to Comply with Regulations Pursuant**  
3 **to the Motor Vehicle Inspection Program)**

4 42. Respondent Singh's smog check station license is subject to disciplinary  
5 action pursuant to Health & Saf. Code section 44072.2, subdivision (c), in that Respondent failed  
6 to comply with the following sections of California Code of Regulations, title 16:

- 7 a. **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently  
8 issued an electronic smog certificate of compliance for the 1980  
9 Chevrolet Camaro.
- 10 b. **Section 3340.35, subdivision (c):** Respondent issued an electronic smog  
11 certificate of compliance for the 1980 Chevrolet Camaro even though  
12 the vehicle had not been inspected in accordance with California Code of  
13 Regulations, title 16, section 3340.42.
- 14 c. **Section 3340.41, subdivision (c):** Respondent entered false information  
15 into the EIS by entering vehicle identification information or emission  
16 control system identification data for a vehicle other than the one being  
17 tested.
- 18 d. **Section 3340.42:** Respondent failed to conduct the required smog tests on  
19 the 1980 Chevrolet Camaro in accordance with the Bureau's  
20 specifications.

21 **TWENTY-FIRST CAUSE FOR DISCIPLINE**

22 **(Dishonesty, Fraud or Deceit)**

23 43. Respondent Singh's smog check station license is subject to disciplinary  
24 action pursuant to Health & Saf. Code section 44072.2, subdivision (d), in that Respondent  
25 committed a dishonest, fraudulent or deceitful act whereby another is injured. Respondent issued  
26 an electronic smog certificate of compliance for the 1980 Chevrolet Camaro without performing  
27 a bona fide inspection of the emission control devices and systems on the vehicle, thereby

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1 depriving the People of the State of California of the protection afforded by the Motor Vehicle  
2 Inspection Program.

3 **TWENTY-SECOND CAUSE FOR DISCIPLINE**

4 **(Violations of the Motor Vehicle Inspection Program)**

5 44. Respondent Sindberg's advanced emission specialist technician license is  
6 subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (a), in  
7 that Respondent failed to comply with the following sections of that Code:

- 8 a. **Section 44012:** Respondent failed to perform emission control tests on  
9 the 1980 Chevrolet Camaro in accordance with procedures prescribed by  
10 the department.  
11 b. **Section 44059:** Respondent willfully made a false statement with regard  
12 to a material matter on the VIR, as set forth in paragraph 39 above.

13 **TWENTY-THIRD CAUSE FOR DISCIPLINE**

14 **(Failure to Comply with Regulations Pursuant  
15 to the Motor Vehicle Inspection Program)**

16 45. Respondent Sindberg's advanced emission specialist technician license is  
17 subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (c), in  
18 that Respondent failed to comply with the following sections of California Code of Regulations,  
19 title 16:

- 20 a. **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently  
21 issued an electronic smog certificate of compliance for the 1980  
22 Chevrolet Camaro.  
23 b. **Section 3340.30, subdivision (a):** Respondent failed to inspect and test  
24 the 1980 Chevrolet Camaro in accordance with Health & Saf. Code  
25 sections 44012 and 44035, and California Code of Regulations, title 16,  
26 section 3340.42.  
27 c. **Section 3340.41, subdivision (c):** Respondent entered false  
28 information into the EIS by entering vehicle identification information or

1 emission control system identification data for a vehicle other than the  
2 one being tested.

- 3 d. **Section 3340.42:** Respondent failed to conduct the required smog tests on  
4 the 1980 Chevrolet Camaro in accordance with the Bureau's  
5 specifications.

6 **TWENTY-FOURTH CAUSE FOR DISCIPLINE**

7 **(Dishonesty, Fraud or Deceit)**

8 46. Respondent Sindberg's advanced emission specialist technician license is  
9 subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (d), in  
10 that Respondent committed a dishonest, fraudulent, or deceitful act whereby another is injured.  
11 Respondent issued an electronic smog certificate of compliance for the 1980 Chevrolet Camaro  
12 without performing a bona fide inspection of the emission control devices and systems on the  
13 vehicle, thereby depriving the People of the State of California of the protection afforded by the  
14 Motor Vehicle Inspection Program.

15 **VIDEO SURVEILLANCE OF JUNE 28, 2007**

16 47. On June 28, 2007, a representative of the Bureau conducted a surveillance  
17 operation at Respondent's Blackstone Avenue facility. The Bureau determined through the  
18 surveillance operation and information obtained from the Bureau's VID that Respondent  
19 Sindberg issued electronic smog certificates of compliance on behalf of Respondent Singh,  
20 certifying that he had tested and inspected the vehicles identified below (vehicles 1 and 2) and  
21 that the vehicles were in compliance with applicable laws and regulations. In fact, Sindberg  
22 conducted the inspections using clean-piping methods, resulting in the issuance of fraudulent  
23 certificates of compliance for the vehicles. Further, the Bureau determined that vehicle 1 had  
24 failed a smog inspection as a gross polluter just three days earlier (June 25, 2007); the inspection  
25 was performed at another facility located in Fresno, California. On July 5, 2007, the Bureau  
26 obtained copies of the VIR's from Smog 4 Less relating to the smog inspections on vehicles 1  
27 and 2.

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Time of Smog Inspection	Vehicle Certified	Certificate No.	Vehicle Actually Tested
1. 0851-0858	1995 Ford Windstar; License #CK28337 (the vehicle was subsequently issued a new license plate, #5YWD824)	MS515098C	Ford Taurus
2. 0904-0913	1984 Honda Accord; License #5UXF431	MS515099C	Toyota Tercel

## **TWENTY-FIFTH CAUSE FOR DISCIPLINE**

### **(Untrue or Misleading Statements)**

48. Respondent Singh's ARD Registration is subject to disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(1), in that Respondent made or authorized statements which he knew or in the exercise of reasonable care should have known to be untrue or misleading. Respondent's technician, Sindberg, represented on the VIR's that he performed the smog inspections on vehicles 1 and 2, identified in paragraph 47 above, in accordance with all Bureau requirements and that the vehicles had passed inspection and were in compliance with applicable laws and regulations. In fact, Respondent used clean-piping methods in order to issue certificates for the vehicles and did not test or inspect the vehicles as required by Health & Saf. Code section 44012.

## **TWENTY-SIXTH CAUSE FOR DISCIPLINE**

### **(Fraud)**

49. Respondent Singh's ARD registration is subject to disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(4), in that Respondent committed acts which constitute fraud. Respondent issued electronic smog certificates of compliance for vehicles 1 and 2, identified in paragraph 47 above, without performing bona fide inspections of the emission control devices and systems on the vehicles, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program.

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1 **TWENTY-SEVENTH CAUSE FOR DISCIPLINE**

2 **(Violations of the Motor Vehicle Inspection Program)**

3 50. Respondent Singh's smog check station license is subject to disciplinary  
4 action pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that Respondent failed  
5 to comply with the following sections of that Code:

- 6 a. **Section 44012:** Respondent failed to perform emission control tests on  
7 vehicles 1 and 2, identified in paragraph 47 above, in accordance with  
8 procedures prescribed by the department.  
9 b. **Section 44015:** Respondent issued electronic smog certificates of  
10 compliance for vehicles 1 and 2, identified in paragraph 47 above, without  
11 properly testing and inspecting the vehicles to determine if they were in  
12 compliance with Health & Saf. Code section 44012.

13 **TWENTY-EIGHTH CAUSE FOR DISCIPLINE**

14 **(Failure to Comply with Regulations Pursuant**  
15 **to the Motor Vehicle Inspection Program)**

16 51. Respondent Singh's smog check station license is subject to disciplinary  
17 action pursuant to Health & Saf. Code section 44072.2, subdivision (c), in that Respondent failed  
18 to comply with the following sections of California Code of Regulations, title 16:

- 19 a. **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently  
20 issued electronic smog certificates of compliance for vehicles 1 and 2,  
21 identified in paragraph 47 above.  
22 b. **Section 3340.35, subdivision (c):** Respondent issued electronic smog  
23 certificates of compliance for vehicles 1 and 2, identified in paragraph 47  
24 above, even though the vehicles had not been inspected in accordance with  
25 California Code of Regulations, title 16, section 3340.42.  
26 c. **Section 3340.41, subdivision (c):** Respondent entered false information  
27 into the EIS by entering vehicle identification information or emission  
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1 control system identification data for vehicles other than the ones being  
2 tested.

- 3 d. **Section 3340.42:** Respondent failed to conduct the required smog tests on  
4 vehicles 1 and 2, identified in paragraph 47 above, in accordance with the  
5 Bureau's specifications.

6 **TWENTY-NINTH CAUSE FOR DISCIPLINE**

7 **(Dishonesty, Fraud or Deceit)**

8 52. Respondent Singh's smog check station license is subject to disciplinary  
9 action pursuant to Health & Saf. Code section 44072.2, subdivision (d), in that Respondent  
10 committed dishonest, fraudulent or deceitful acts whereby another is injured. Respondent issued  
11 electronic smog certificate of compliance for vehicles 1 and 2, identified in paragraph 47 above,  
12 without performing bona fide inspections of the emission control devices and systems on the  
13 vehicles, thereby depriving the People of the State of California of the protection afforded by the  
14 Motor Vehicle Inspection Program.

15 **THIRTIETH CAUSE FOR DISCIPLINE**

16 **(Violations of the Motor Vehicle Inspection Program)**

17 53. Respondent Sindberg's advanced emission specialist technician license is  
18 subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (a), in  
19 that Respondent failed to comply with the following sections of that Code:

- 20 a. **Section 44012:** Respondent failed to perform emission control tests on  
21 vehicles 1 and 2, identified in paragraph 47 above, in accordance with  
22 procedures prescribed by the department.
- 23 b. **Section 44059:** Respondent willfully made false statements with regard  
24 to a material matter on the VIR's, as set forth in paragraph 48 above.

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1 **THIRTY-FIRST CAUSE FOR DISCIPLINE**

2 **(Failure to Comply with Regulations Pursuant**  
3 **to the Motor Vehicle Inspection Program)**

4 54. Respondent Sindberg's advanced emission specialist technician license is  
5 subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (c), in  
6 that Respondent failed to comply with the following sections of California Code of Regulations,  
7 title 16:

- 8 a. **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently  
9 issued electronic smog certificates of compliance for vehicles 1 and 2,  
10 identified in paragraph 47 above.
- 11 b. **Section 3340.30, subdivision (a):** Respondent failed to inspect and test  
12 vehicles 1 and 2, identified in paragraph 47 above, in accordance with  
13 Health & Saf. Code sections 44012 and 44035, and California Code of  
14 Regulations, title 16, section 3340.42.
- 15 c. **Section 3340.41, subdivision (c):** Respondent entered false  
16 information into the EIS by entering vehicle identification information or  
17 emission control system identification data for vehicles other than the ones  
18 being tested.
- 19 d. **Section 3340.42:** Respondent failed to conduct the required smog tests on  
20 vehicles 1 and 2, identified in paragraph 47 above, in accordance with the  
21 Bureau's specifications.

22 **THIRTY-SECOND CAUSE FOR DISCIPLINE**

23 **(Dishonesty, Fraud or Deceit)**

24 55. Respondent Sindberg's advanced emission specialist technician license is  
25 subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (d), in  
26 that Respondent committed dishonest, fraudulent, or deceitful acts whereby another is injured.  
27 Respondent issued electronic smog certificates of compliance for vehicles 1 and 2, identified in  
28 paragraph 47 above, without performing bona fide inspections of the emission control devices

1 and systems on the vehicle, thereby depriving the People of the State of California of the  
2 protection afforded by the Motor Vehicle Inspection Program.

3 **OTHER MATTERS**

4 56. Pursuant to Bus. & Prof. Code section 9884.7, subdivision (c), the  
5 Director may refuse to validate, or may invalidate temporarily or permanently, the registrations  
6 for all places of business operated in this state by Respondent Sarbjit Singh, owner of Smog 4  
7 Less, including, but not limited to, Automotive Repair Dealer Registration Number AF 222344  
8 and Automotive Repair Dealer Registration Number AK 202254, upon a finding that said  
9 Respondent has, or is, engaged in a course of repeated and willful violations of the laws and  
10 regulations pertaining to an automotive repair dealer.

11 57. Pursuant to Health & Saf. Code section 44072.8, if Smog Check, Test  
12 Only, Station License Number TF 222344, issued to Sarbjit Singh, owner of Smog 4 Less,  
13 is revoked or suspended, any additional license issued under this chapter in the name of said  
14 licensee, including, but not limited to, Smog Check, Test Only, Station License Number  
15 TK 202254 and Advanced Emission Specialist Technician License Number EA 306741, may be  
16 likewise revoked or suspended by the Director.

17 58. Pursuant to Health & Saf. Code section 44072.8, if Smog Check, Test  
18 Only, Station License Number TK 202254, issued to Sarbjit Singh, owner of Smog 4 Less,  
19 is revoked or suspended, any additional license issued under this chapter in the name of said  
20 licensee, including, but not limited to, Smog Check, Test Only, Station License Number  
21 TF 222344 and Advanced Emission Specialist Technician License Number EA 306741 may be  
22 likewise revoked or suspended by the Director.

23 59. Pursuant to Health & Saf. Code section 44072.8, if Advanced Emission  
24 Specialist Technician License Number EA 315216, issued to Respondent James Florian  
25 Sindberg, is revoked or suspended, any additional license issued under this chapter in the name  
26 of said licensee may be likewise revoked or suspended by the Director.

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**PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Director of Consumer Affairs issue a decision:

1. Temporarily or permanently invalidating Automotive Repair Dealer Registration Number AF 222344, issued to Sarbjit Singh, owner of Smog 4 Less;

2. Temporarily or permanently invalidating Automotive Repair Dealer Registration Number AK 202254, issued to Sarbjit Singh, owner of Smog 4 Less;

3. Temporarily or permanently invalidating any other automotive repair dealer registration issued to Sarbjit Singh;

4. Revoking or suspending Smog Check, Test Only, Station License Number TF 222344, issued to Sarbjit Singh, owner of Smog 4 Less;

5. Revoking or suspending Smog Check, Test Only, Station License Number TK 202254, issued to Sarbjit Singh, owner of Smog 4 Less;

6. Revoking or suspending any additional license issued under Chapter 5 of the Health and Safety Code in the name of Sarbjit Singh, including, but not limited to, Advanced Emission Specialist Technician License Number EA 306741;

7. Revoking or suspending Advanced Emission Specialist Technician License Number EA 315216, issued to James Florian Sindberg;

8. Revoking or suspending any additional license issued under Chapter 5 of the Health and Safety Code in the name of James Florian Sindberg;

9. Ordering Respondent Sarbjit Singh, owner of Smog 4 Less, and James Florian Sindberg, to pay the Director of Consumer Affairs the reasonable costs of the

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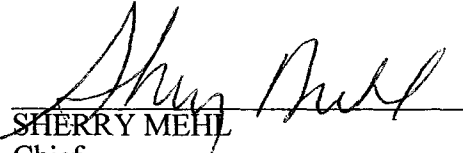
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1 investigation and enforcement of this case, pursuant to Business and Professions Code section  
2 125.3;

3 10. Taking such other and further action as deemed necessary and proper.

4 DATED: 9-26-07.

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6   
SHERRY MEHL  
Chief  
Bureau of Automotive Repair  
Department of Consumer Affairs  
State of California

9 Complainant